

114TH CONGRESS  
2D SESSION

# H. R. 5272

To amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2016

Mr. KENNEDY (for himself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Do No Harm Act”.

5       **SEC. 2. SENSE OF CONGRESS.**

6       It is the sense of Congress that—

7           (1) the Religious Freedom Restoration Act of  
8       1993 should not be interpreted to authorize an ex-  
9       emption from generally applicable law that imposes

1       the religious views, habits, or practices of one party  
2       upon another;

3             (2) the Religious Freedom Restoration Act of  
4       1993 should not be interpreted to authorize an ex-  
5       emption from generally applicable law that imposes  
6       meaningful harm, including dignitary harm, on a  
7       third party; and

8             (3) the Religious Freedom Restoration Act of  
9       1993 should not be interpreted to authorize an ex-  
10      emption that permits discrimination against other  
11      persons, including persons who do not belong to the  
12      religion or adhere to the beliefs of those to whom the  
13      exemption is given.

14 **SEC. 3. EXCEPTION FROM APPLICATION OF ACT WHERE**  
15                     **FEDERAL LAW PREVENTS HARM TO OTHERS.**

16       Section 3 of the Religious Freedom Restoration Act  
17       of 1993 (42 U.S.C. 2000bb-3) is amended by adding at  
18       the end the following:

19             “(d) ADDITIONAL EXCEPTION FROM APPLICATION  
20       OF ACT WHERE FEDERAL LAW PREVENTS HARM TO  
21       OTHERS.—This section does not apply—

22             “(1) to any provision of law or its implemen-  
23       tation that provides for or requires—

24             “(A) protections against discrimination or  
25       the promotion of equal opportunity including

1           the Civil Rights Act of 1964, the Americans  
2         with Disabilities Act, the Family Medical Leave  
3         Act, Executive Order 11246, the Violence  
4         Against Women Act, and Equal Access to  
5         Housing in HUD Programs Regardless of Sex-  
6         ual Orientation or Gender Identity (77 FR  
7         5662);

8           “(B) employers to provide wages, other  
9         compensation, or benefits including leave, or  
10        standards protecting collective activity in the  
11        workplace;

12           “(C) protections against child labor, abuse,  
13         or exploitation; or

14           “(D) access to, information about, refer-  
15         rals for, provision of, or coverage for, any  
16         health care item or service;

17           “(2) to any term requiring goods, services,  
18         functions, or activities to be performed or provided  
19         to beneficiaries of a government contract, grant, co-  
20         operative agreement, or other award; or

21           “(3) to the extent that application would result  
22         in denying a person the full and equal enjoyment of  
23         a good, service, benefit, facility, privilege, advantage,  
24         or accommodation, provided by the government.”.

1   **SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION**

2                   **BETWEEN PRIVATE PARTIES.**

3         (a) PURPOSE.—The purpose of the amendment made  
4 by subsection (b) is to clarify the applicability of the Religious  
5 Freedom Restoration Act of 1993, as enacted.

6         (b) PRECLUSION.—Section 3(c) of the Religious  
7 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–  
8 1(c)) is amended, in the first sentence, by striking “judi-  
9 cial proceeding” and all that follows and inserting “judi-  
10 cial proceeding to which the government is a party and  
11 obtain appropriate relief against that government.”.

12   **SEC. 5. DEFINITIONS.**

13         Section 5 of the Religious Freedom Restoration Act  
14 of 1993 (42 U.S.C. 2000bb–2) is amended—

15                 (1) in paragraph (3), by striking “and” at the  
16 end;

17                 (2) in paragraph (4), by striking the period and  
18 inserting “; and”; and

19                 (3) by adding at the end the following:

20                 “(5) the term ‘including’ means including, but  
21 not limited to, consistent with the term’s standard  
22 meaning in Federal law.”.

